

REQUEST FOR FILING CONTINUATION OR DIVISIONAL PATENT
APPLICATION (Under 37 CFR § 1.53(b))
WHITMAN BREED ABBOTT & MORGAN LLP

File No. (KM39038-50)

EXPRESS MAIL

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Date of Deposit: December 29, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

GILBERT BERMUDEZ

(Typed or printed name of person mailing paper or fee)

Gilbert Bermudez

(Signature of person mailing paper or fee)

PRIOR APPLICATION: 08/891,337

EXAMINER:

Green, L.

ART UNIT
1648

ANTICIPATED CLASSIFICATION
OF THIS APPLICATION:

CLASS

SUBCLASS

COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

Sir:

This is a Request for filing a continuation, X divisional application under 37 CFR § 1.53(b) of pending prior application Serial No. 08/891,337, filed on July 10, 1997, by Hongjun Yan and Nicholas Cairns and currently entitled ELECTROCHEMILUMINESCENCE OF RARE EARTH METAL CHELATES.

1. X Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration as originally filed. I hereby verify to the best of my information and belief that the attached papers are a true copy of the latest inventor signed prior application Serial No. 08/891,337 as originally filed on July 10, 1997.
2. X The filing fee is calculated on the basis of the claims existing in the prior application, less any claims cancelled by amendment at paragraph 5 below, as follows:

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS	4	0	x \$18.00	\$.00
INDEPENDENT CLAIMS	4	1	x \$78.00	\$78.00
MULTIPLE DEPENDENT CLAIMS(S) (IF APPLICABLE)			+ \$260.00	.00
			BASIC FEE	+ \$760.00
			Total of above Calculations	\$ 838.00
Reduction by 1/2 for filing by small entity (Note: 37 CFR § 1.9, § 2.37, § 1.28). If applicable, verified statement must be attached or already be on file in prior application.				
			TOTAL FILING FEE	\$ 838.00

3. X The Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 (for filing) and § 1.17 (for prosecution) which may be required with respect to the papers filed herewith, (X and also any additional such fees which may be required during the entire pendency of this application, — and also the issue fee under 37 CFR 1.18), or credit any overpayment, to Deposit Account No. 50-0297. A duplicate copy of this sheet is enclosed.
4. a. X A check in the amount of \$838.00 is enclosed.
b. — The filing fee to be paid later with surcharge [pursuant to 37 CFR § 1.53(d)].
5. X Cancel in this application original claims 2-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. X Amend the specification by inserting before the first line the sentence:

a' This application is a — continuation X division of application Serial No. 08/891,337, filed July 10, 1997, which is a continuation of application Serial No. 08/423,394, filed April 18, 1995, the disclosures of each of which are incorporated herein by reference.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively copending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

7. a. — A verified statement claiming small entity status is enclosed. [Note: Such a statement may be filed within two months with a request for refund of overpayment, under 37 CFR § 1.28(a)].
b. — A verified statement claiming small entity status was filed in the prior application, Serial No. — filed —. Status as a small entity is still proper and is desired and claimed herein.
8. a. — Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR § 1.138 and before payment of issue fee.)
b. — New formal drawings are enclosed.
9. a. — Priority of foreign Application No(s). — filed on — in —, respectively, is claimed under 35 U.S.C. 119.
b. — A certified copy of said foreign priority application(s) was filed in prior U.S. application Serial No. — filed —. Acknowledgement thereof is requested.
10. X The prior application is assigned of record to IGEN International, Inc.
11. X A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively

beginning with the number next following the highest numbered original claim in the prior application.)

12. X The power of attorney in the prior application is to: Barry Evans, Reg. No. 22,802 and George B. Snyder, Reg. No. 27,675.
- a. X The power appears in the original papers in the prior application.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
13. Original title and original applicant(s) of prior U.S. application, if different from above:
14. Also enclosed:
15. X Address all future communications to (may only be completed by applicant, or attorney, or agent of record):
- Attention of: Barry Evans, Esq.
c/o WHITMAN BREED ABBOTT & MORGAN LLP
200 Park Avenue
New York, New York 10166
16. X Any extension of time necessary to maintain the copendency of the prior application and to allow the timely filing of this application is hereby requested. Please charge the fee for the extension of time, if not otherwise paid, to Deposit Account No. 50-0297. A duplicate copy of this sheet is enclosed for filing in the prior application file.

Date: December 29, 1998

WHITMAN BREED ABBOTT & MORGAN LLP
Attorneys for applicants



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